

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HUSBANDS FOR RENT, INC.,)
Plaintiff(s),) No. C04-1603 BZ
v.)
ORDER DENYING PLAINTIFF'S
HANDY HUSBANDS FOR RENT,)
INC.,) MOTION FOR CONTEMPT ORDER
Defendant(s).)

)

Before the court is plaintiff Husbands for Rent, Inc.'s motion for a contempt order. There is no need for further argument, so the hearing scheduled for July 19, 2006 is **VACATED**.

The motion contends that Mr. Ring violated the injunction entered February 23, 2006 when objectionable language appeared in advertisements he placed in the March and April issues of an advertising circular, The Monthly Grapevine. Defendant contends that Mr. Ring tried to change the objectionable language after the injunction issued but was unable to do so with respect to the March issue because of the publication deadline. As for the April issue, it appears that Mr. Ring

1 asked for a change but the circular only made the change in
2 one issue, and not another. It is not entirely clear why this
3 happened, but it is not disputed that Mr. Ring asked for a
4 change. The objectionable language did not appear in
5 subsequent issues.

6 On this record, I conclude that plaintiff has not met its
7 burden of showing by clear and convincing evidence that Mr.
8 Ring failed to substantially comply with the injunction. See
9 Vertex Distributing, Inc. v. Falcon Foam Plastics, Inc., 689
10 F.2d 885, 889 (9th Cir. 1982). Accordingly, **IT IS ORDERED**
11 that plaintiff's motion for a contempt order against defendant
12 is **DENIED**.

13 In the future, if plaintiff believes that defendant has
14 violated the injunction, plaintiff is directed to attempt to
15 resolve the matter with defendant before filing another motion
16 for a contempt order.

17 Dated: July 7, 2006

18 
19 Bernard Zimmerman
United States Magistrate Judge

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